

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LATASHA DAY, o/b/o D.D., )  
Plaintiff, )  
vs. )  
CAROLYN W. COLVIN,<sup>1</sup> ) Case No. 4:13CV00715 ERW  
Acting Commissioner of Social Security, )  
Defendant. )

## **MEMORANDUM AND ORDER**

This matter is before the Court upon the Report and Recommendation of United States Magistrate Noelle C. Collins [ECF No. 26], pursuant to 28 U.S.C. § 636(b).

The Court notes that no objections were filed to the Report and Recommendation within the time period afforded by 28 U.S.C. § 636(b)(1). The Court has considered the Report and Recommendation, and hereby sustains, adopts, and incorporates herein the Magistrate's Report and Recommendation in its entirety. The Social Security Commissioner's decision denying Plaintiff's claims for benefits is reversed.

Accordingly,

**IT IS HEREBY ORDERED** that, under sentence four of 42 U.S.C. § 405(g), the final decision of the Commissioner of Social Security denying Plaintiff Latasha Day, on behalf of D.D., disability benefits is **REVERSED**, and the matter is **REMANDED** to the Administrative

<sup>1</sup>Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as the Defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of the section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Law Judge in order for the Administrative Law Judge to obtain a current examination and evaluation of D.D. by an appropriate pediatric specialist, determining the severity of D.D.'s limitations, particularly in the area of Health and Physical Well-Being.

**IT IS FURTHER ORDERED** that, upon entry of Judgment of Reversal and Remand, the appeal period will begin, which determines the thirty (30) day period in which a timely application for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, may be filed.

Dated this 29th day of May, 2014.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE